

# County Council Of Howard County, Maryland

2005 Legislative Session

Legislative Day No. 8

## Resolution No. 81-2005

Introduced by: The Chairman at the request of the County Executive

A RESOLUTION finding that it is in the public interest to release a 0.439 acre portion of an agricultural land preservation easement held by Howard County, Maryland on real property owned by Tom and Mary Scrivener as part of the subdivision process to accommodate a right-of-way on Manor Lane; finding that the proposed use is in the public interest; authorizing an amendment to certain deeds of easement between the owner and Howard County in connection with the proposed use; and providing that the release is contingent on a certain payment to the County.

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Introduced and read first time \_\_\_\_\_, 2005.

By order \_\_\_\_\_  
Sheila M. Tolliver, Administrator

Read for a second time at a public hearing on \_\_\_\_\_, 2005.

By order \_\_\_\_\_  
Sheila M. Tolliver, Administrator

This Resolution was read the third time and was Adopted\_\_\_\_, Adopted with amendments\_\_\_\_, Failed\_\_\_\_, Withdrawn\_\_\_\_, by the County Council  
on \_\_\_\_\_, 2005.

Certified By \_\_\_\_\_  
Sheila M. Tolliver, Administrator

NOTE: [[text in brackets]] indicates deletions from existing law; TEXT IN ALL CAPITALS indicates additions to existing law; Strike-out indicates material deleted by amendment; Underlining indicates material added by amendment

1           **WHEREAS**, Tom and Mary Scrivener (the “Owners”) executed a Deed of Easement  
2   dated January 18, 1988 and recorded among the Land Records of Howard County, Maryland at  
3   Liber 1774, Folio 0772, an amendment to Deed of Easement dated June 10, 1994 and recorded  
4   among the Land Records of Howard County at Liber 3273, Folio 0103, and an amended and  
5   restated Deed of Easement dated April 19, 2004 and recorded among the Land Records of  
6   Howard County at Liber 8278, Folio 358 (collectively, as amended, the “Easement”)  
7   extinguishing the development rights on their property consisting of approximately 108.48 acres  
8   of land in Howard County at 4411 Manor Lane in Ellicott City (the “Property”) as shown on the  
9   map attached as Exhibit A, to Howard County, Maryland and restricting the use of the Property  
10   to agriculture and related uses as set forth in the Agricultural Land Preservation Act of the  
11   Howard County Code; and  
12

13           **WHEREAS**, Section 15.516 of the Howard County Code allows the County to release  
14   from such an easement up to one acre of land for “public interest use” if the Howard County  
15   Agricultural Land Preservation Board recommends the release, the County Council finds that the  
16   proposed use is in the public interest, and the property owner pays the County for the release at  
17   the price per acre that the County paid to acquire the easement, with interest; and  
18

19           **WHEREAS**, the Owner has submitted a request to the Department of Planning and  
20   Zoning (“DPZ”) for approval of a public interest use on the Property, specifically to  
21   accommodate a right-of-way at Manor Lane on .439 acres of the Property as shown on the  
22   attached maps marked Exhibit B (the “Release Area”); and  
23

24           **WHEREAS**, DPZ reviewed the Owner’s request to release the Release Area from the  
25   Easement and recommended approval of the request to the Agricultural Land Preservation  
26   Board; and  
27

28           **WHEREAS**, the Agricultural Land Preservation Board reviewed the findings of DPZ  
29   and, after a public meeting on May 9, 2005, recommended that the Release Area be released  
30   from the Easement, as long as the right-of-way is required, because the Release Area is required  
31   for a public interest use; and

1           **WHEREAS**, because the Easement was purchased by the County, the Owner is required  
2 to repay the County approximately \$1,952.83 for the released acreage.

3  
4           **NOW, THEREFORE, BE IT RESOLVED**, by the County Council of Howard County,  
5 Maryland this \_\_\_\_ day of \_\_\_\_\_, 2005, that for the reasons cited by the  
6 Department of Planning and Zoning and the Agricultural Land Preservation Board at its meeting  
7 on May 9, 2005, the County Council finds that the proposed use of .439 acres of the Property to  
8 accommodate a right-of-way at Manor Lane is in the public interest and therefore approves the  
9 public interest use of .439 acres of the Property, as shown on Exhibit B, owned by Tom and  
10 Mary Scrivener and the release of the .439 acres, as shown in Exhibit B, from the Easement;

11  
12           **AND BE IT FURTHER RESOLVED** by the County Council of Howard County,  
13 Maryland that it approves the request of Tom and Mary Scrivener to amend the Deed of  
14 Easement dated January 18, 1988 and recorded among the Land Records of Howard County at  
15 Liber 1774, Folio 0772, the amendment to Deed of Easement dated June 10, 1994 and recorded  
16 among the Land Records of Howard County at Liber 3273, Folio 0103, and the amended and  
17 restated Deed of Easement dated April 19, 2004 and recorded among the Land Records of  
18 Howard County at Liber 8278, Folio 358 to release the .439 acres of the Property, as shown in  
19 Exhibit B, for a right-of-way at Manor Lane, there being payment due to the County in the  
20 amount of approximately \$1,952.83 because this was a purchased easement.